



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/792,038

03/03/2004

Melissa K. Rath

ATMI-668

4823

24239 7590 04/19/2007
MOORE & VAN ALLEN PLLC
P.O. BOX 13706
Research Triangle Park, NC 27709

EXAMINER

LE, HOA VAN

ART UNIT

PAPER NUMBER

1752

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
--	-----------	---------------

2 MONTHS

04/19/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/792,038	RATH ET AL.	
	Examiner	Art Unit	
	Hoa V. Le	1752	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-15,17-31 and 33-59 is/are pending in the application.
- 4a) Of the above claim(s) See Continuation Sheet is/are withdrawn from consideration.
- 5) ☒ Claim(s) See Continuation Sheet is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 7 and 36 is/are objected to.
- 8) ☒ Claim(s) See Continuation Sheet are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>16 March 2007</u> . | 6) <input type="checkbox"/> Other: _____ |

Continuation of Disposition of Claims: Claims withdrawn from consideration are 8-9,11-13,22-23,37-38,40-42,51,(7 and 8 except Formula G).

Continuation of Disposition of Claims: Claims allowed are 1-2,5-6,10,14-15,17-21,53-57,59 and 24-31,33,39,43-50,(7 and 36 with Formula G only).

Continuation of Disposition of Claims: Claims subject to restriction and/or election requirement are 8-9,11-13,22-23,37-38,40-42,51,(7 and 8 except Formula G)..

This is in response to Papers filed on 13 March 2007.

I. The record shows that applicants have to make amendments to the claims in avoiding the teachings and suggestions of the applied references in response to the Office action mailed on 24 November 2006.

II. In view of the amendments to the compositions are restricted because they are patentably distinct.

(1) The invention Group I with claims 1 being drawn to a composition comprising:

- (i) a quaternary base,
- (ii) alkali or alkaline earth base,
- (iii) an oxirane species and
- (iiii) a chelator.

This invention includes claims:

(*) 2, 5-6, 10, 14-15, 17-21, 53-57 and 59.

(**) 7 with Formula G only.

Art Unit: 1752

(2) Other compositions and method of using the composition are restricted from the invention of Group I because they are patentably distinct.

(3) However, the method claims 24-31, 33, 36 with formula G only, 39, 43-50 and 58 are permitted to be rejoined.

III. The record shows that the prosecution processes are too long with 89 recording and examining steps and more than one restriction. Accordingly, it is proper to have a speedy prosecution that no written restriction is separately sent at this long state of the prosecution.

IV. The following is an examiner's statement of reasons for allowance:

The record shows that applicants originally elect the invention of the composition of claims 1 and its dependent claims having the narrow composition than that of the broad claim 1 and Formula G only in claim 7. Accordingly, the originally elected invention is continue to examined. The invention has been considered, searched and found to be allowable. Accordingly, claims 1-2, 5-6, and 7 with Formula G only, 10, 14-14, 17-21, 53-57 and 59. However, claims 24-31, 33, 36 with Formula G only, 39, 43-50 and 58 are permitted to be rejoined.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

V. This application is in condition for allowance except for the following formal matters:

(1) The specification contains the restricted compositions being distinct from the originally elected invention of the composition of claims 1 and its dependent claims having the narrow composition than that of the broad claim 1 and composition of Formula G only in claims 7 and the rejoin-able claims 36. as those in its dependent claims and/or narrower composition of the composition claim 1.

(2) Claims 7 and the rejoin-able claim 36 contain other patentably distinct compositions other than the considered, searched, examined and found to be allowable composition of Formula G only.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

VI. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoa V. Le whose telephone number is 571-272-1332.

The examiner can normally be reached from 6:30 AM to 4:30 PM on Monday through Thursday and about the same time of most Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly can be reached on 571-272-1526.

Applicants may file a paper by (1) fax with a central facsimile receiving number 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 10/792,038

Page 6

Art Unit: 1752

Hoa V. Le
Primary Examiner
Art Unit 1752

HVL
16 April 2007

HOA VAN LE
PRIMARY EXAMINER
Hoa Van Le